

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

GARY W. YOUNGBLOOD,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	2:15cv214-MHT
)	(WO)
ALA. DEPT. OF CORRECTIONS,)	
et al.,)	
)	
Defendants.)	

OPINION

Pursuant to 42 U.S.C. § 1983, plaintiff, who was a state prisoner at the time, filed this lawsuit claiming that the defendant prison officials unconstitutionally prevented him from paying a patent-application fee, delayed mailing the complaint in this case in time to meet a patent-application deadline, and interfered with his use of the law library and a typewriter there that he needed for the patent application. This lawsuit is now before the court on the recommendation of the United States Magistrate Judge that defendants' motion for summary judgment be granted. Also before the court

are plaintiff's objections to the recommendation. After an independent and de novo review of the record, the court concludes that plaintiff's objections should be overruled and the magistrate judge's recommendation adopted.*

* In his objection, plaintiff points out various factual disputes that he argues require a trial. However, even if plaintiff is correct about the existence of certain factual disputes, those disputes do not entitle him to a trial in this case. Because defendants have invoked qualified immunity, they cannot be held liable unless clearly established law gave them fair warning that their actions were illegal. Plaintiff has failed to show that the law was clearly established. See, e.g., *Gaines v. Wardynski*, 871 F.3d 1203, 1208 (11th Cir. 2017) ("First, the plaintiffs may show that a materially similar case has already been decided. Second, the plaintiffs can point to a broader, clearly established principle that should control the novel facts of the situation. Finally, the conduct involved in the case may so obviously violate the constitution that prior case law is unnecessary. Under controlling law, the plaintiffs must carry their burden by looking to the law as interpreted at the time by the United States Supreme Court, the Eleventh Circuit, or the [relevant State Supreme Court].").

An appropriate judgment will be entered.

DONE, this the 26th day of March, 2018.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE